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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,256	03/27/2001	Forrest B. Phillips	22845.01400	2099

36807 7590 06/06/2005

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EXAMINER

MATHEW, FENN C

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,256

Applicant(s)

PHILLIPS, FORREST B.

Examiner

Fenn C Mathew

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-101 is/are pending in the application.
- 4a) Of the above claim(s) 4,9,11-15,18-87 and 89-101 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,10,16,17 and 88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The affidavit filed on 03/21/2005 under 37 CFR 1.131 is sufficient to overcome the Demko reference.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 3, and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Fisher (U.S. 3,811,534). Please refer to paragraph 4 of the office action dated December 17, 2004.

4. Claims 1, 2, 8, 10, 16-17, and 88 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacober et al. (U.S. 4,805,898). Referring to claim 1, Jacober discloses a slide for supporting a user, such slide having a base (16, 17) and top surface to facilitate sliding thereon, the top surface being characterized as having a low friction, durable sheeting layer which enables the user to traverse thereon both when the top surface is wet and dry. Referring to claim 2, Jacober teaches the top surface supported by the base, a portion of which is inclined to facilitate gravity-induced sliding on the top surface. Referring to claim 8, Jacober teaches the durable sheeting layer comprising sheeting sized to lay upon and substantially fully cover the top surface. Referring to claim 10, in column 5, lines 28-30, Jacober teaches that the top surface comprises nylon. Referring to claims 16-17 Jacober teaches a water distribution assembly (pump)

which serves as a means for introducing water to the top surface. Referring to claim 88, use of the device in sub-zero temperatures would result in snow/ice being introduced to the top surface.

Response to Arguments

5. Applicant's arguments filed 03/21/2005 with respect to Fisher have been fully considered but they are not persuasive. Fisher discloses the invention as broadly defined in the claims. Examiner is not ignoring the phrase 'low friction, however, there being no degree of friction defined by the Applicants in the claims, Examiner is of the opinion that Fisher defines a low friction device, as a user must be able to slide down the slide. Fisher does define an area of high coefficient of friction, but that area is denoted at 45 as pointed out by the Applicant, and only affects the lower curve as seen in figure 3. With regards to limitations about the bounciness of the Fisher device, the inflatable nature of Fisher will result in some degree of bounciness. An air blower is used to inflate the device, therefore it meets the limitation 'comprising an air blower for maintaining the inflation'.

6. Applicant's arguments with respect to claims 1, 2, 8, 10, 16-17, and 88 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

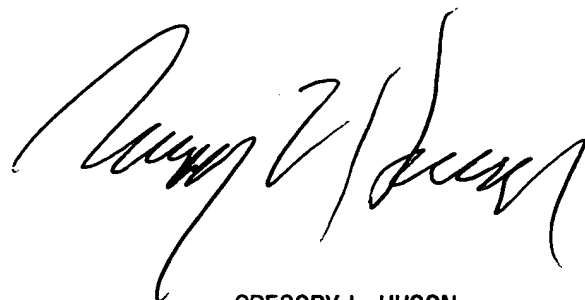
Carrier U.S. 2,982,547

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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June 1, 2005



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